

TOWN OF ROCKLAND

ARTICLES IN WARRANT AND THE RECOMMENDATIONS OF THE FINANCE COMMITTEE AND THE BOARD OF SELECTMEN

**2009 SPECIAL TOWN
MEETING
November 3, 2009
7:00 P.M.**

**AT THE
ROCKLAND HIGH SCHOOL
Please bring this booklet
*to Town Meeting***



RULES AND PROCEDURES FOR THE CONDUCT OF THE MEETING

EVERY VOTER desiring to speak shall arise and address the Chair, after recognition is obtained, state his name and address and stand while speaking, using the microphone in the front, unless otherwise directed. No motion made by anyone will be in order unless this procedure is followed.

ANY VOTER has the right to speak for or against any Article. A **NON-VOTER** may speak as long as they have the permission of the Moderator. After you speak on an Article, return to your seat. If you have a question on any Article before the house, address the Chair and I will direct the question to the proper person for an answer.

THE FINANCE COMMITTEE recommendation is the first and main motion under each Article and under each Budget. Any attempt by a Department Head or anyone to move another figure would be an amendment to the main motion.

A motion to pass the Article over is the same as defeating the Article.

IF THE FINANCE COMMITTEE DISAPPROVES AN ARTICLE it is an automatic motion to **PASS THE ARTICLE OVER** and that will be the first action on the Article.

After the Finance Committee reports on an Article, if they so desire, and the Article is referred to a certain **BOARD, COMMITTEE, or DEPARTMENT HEAD, IT WILL BE THE RULE** that they will be recognized first for their report. **IF I FORGET, REMIND ME.**

A UNANIMOUS VOTE IS BEST AND SAVES TIME. If I do not see or hear any objection I will declare it, **"A UNANIMOUS VOTE"**.

If an Article requires a 2/3rd or 4/5th vote and it is not **UNANIMOUS**, IT IS THE Moderator's responsibility to see that a vote is taken.

IF A HAND VOTE is immediately questioned by seven (7) or more voters who stand to question the **VOTE**; it will be counted by the Tellers.

ARTICLE III SECTION 10 OF THE TOWN BY-LAWS STATES:

NO VOTE SHALL BE CONSIDERED except after the affirmative vote of two-thirds of the voters present and voting on a motion to reconsider such vote. Any voter may move to reconsider except that no motion to reconsider shall be made by any adjourned session of the same meeting unless he has given notice of his intention to move reconsideration at the session of the meeting at which the vote was passed. A vote shall not be reconsidered a second time or after a motion to reconsider has failed to pass.

TOWN BY-LAW ARTICLE II

SECTION 4. All reports, motions, and resolutions submitted for the consideration of the meeting involving the expenditure of money shall be in writing and other reports, motions or resolutions shall be reduced to writing if the Moderator so directs.

TOWN CHARTER

SECTION 3.06. All action taken at any and all Town Meetings shall be only upon those items contained in the Warrant for said Town Meeting and all articles in the Warrant shall be acted upon in order unless otherwise voted at any such Town Meeting, and printed copies of each such Warrant, with the

recommendations of the Finance Committee is hereinafter set forth, shall be furnished to the voters of the Town in accordance with the provisions of Section 2.02 (a) (iv) Article II of this Charter.

Paul L. Cusick Jr.
Town Moderator

MUNICIPAL FINANCE TERMINOLOGY

The following terms are frequently used in the Annual Town Warrant and at Town Meetings. In order to provide everyone with a better understanding of the meaning, the following definitions are provided.

SURPLUS REVENUE: (often referred to as “Excess and Deficiency”)

This fund represents the amount by which the Cash, Accounts Receivable and other floating assets exceed the liabilities and reserve. This is a bookkeeping item.

AVAILABLE FUND: (often referred to as “Free Cash”)

Available Funds is the amount certified annually by the State Bureau of Accounts by deducting from surplus revenue all uncollected taxes for prior years. This fund may be used by a vote for the Town Meeting.

OVERLAY:

The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements granted and avoiding fractions.

OVERLAY RESERVE:

This is the accumulated amount of the Overlay for various years not used or required to be held in the specific Overlay Account for a given year and may be used by a vote of the Town for extraordinary or unforeseen purposes or voted into the Reserve Fund.

RESERVE FUND:

This fund is established by the votes at an Annual Town Meeting only and may be composed of (a) an appropriation (not exceeding 5% of the tax levy of the preceding year), (b) money transferred from Overlay Reserve, or (c) both.

STABILIZATION FUND:

This is a fund created to provide a reserve for capital expenditure. Appropriations from the Stabilization funds may be made at an Annual Town Meeting by a two-thirds vote for any purpose the Town is authorized to borrow money under Section 7 or 8 of Chapter 44 or for such other purpose as is approved by the Emergency Finance Board.

CHERRY SHEET:

Named for the cherry colored paper on which the Massachusetts Commission of Corporations and Taxation traditionally has printed it. The cherry sheet carries the figures that must be used by the Assessors in determining the amount to be raised by taxation.

It lists the amounts of county tax and state assessments, as well as the established tax distributions from the General Fund, reimbursements, agency funds and the Sales and Use Taxes.

**SPECIAL TOWN MEETING
NOVEMBER 3, 2009
LIST OF ARTICLES**

ARTICLE 1

Will the Town vote to transfer the sum of Eighteen thousand dollars \$18,000 from Unemployment Insurance Account # 0191351-515070 to Town Meeting Elections Personnel Account # 0116251-511019 in the amount of Fifteen thousand dollars \$15,000 and to Town Meeting Elections Services Account # 0116253-539900 in the amount of Three thousand \$3,000 or take any action thereto?

EMERGENCY: The state requires two unexpected special elections along with the local need for a debt exclusion question required to move ahead with the School Building project.

TOWN CLERK

Finance Committee Recommendations at Town Meeting

ARTICLE 2

Will the town vote to transfer Twenty-five thousand \$25,000 from Parks Department Account #0165051-511001 to Assessor Appraiser Salary Account # 0114151-511001 or take any action thereto?

EMERGENCY: The Assessor Appraiser vacated his position with short notice requiring funding to replace the position during the buyout period. The position is critical to quantifying New Growth and property valuation necessary for setting the Tax Rate.

BOARD OF ASSESSORS

Finance Committee Recommendations at Town Meeting

ARTICLE 3

Will the town vote to transfer from Parks Department Account #0165051-511001 to Landfill Monitoring Account # 0112251-529714 the sum of \$30,000 for the purposes of completing State ordered work in connection with the landfill or take any action thereto.

EMERGENCY: This DEP requires this work to be performed or it will be a violation which may result in fines.

BOARD OF SELECTMEN

Finance Committee Recommendations at Town Meeting

ARTICLE 4

Will the Town vote to transfer the sum of Twelve thousand five hundred dollars \$12,500 from Parks Department Account #0165051-511001 to Accounting Clerical Salary Account # 0113551-511003 for the purposes of increasing clerical hours or take any action thereto?

EMERGENCY: Need to fulfill legal reporting requirements after reduction of staff in two office department head's positions and a change of another department head.

TOWN ACCOUNTANT

Finance Committee Recommendations at Town Meeting

ARTICLE 5

Will the Town vote to transfer the sum of Ninety-five hundred \$9,500 from Unemployment Encumbrance Account #0191357-578099 to Computer Services Account #0113553-530400 for the purposes of purchasing and installing new computer equipment and related software or take any action thereto?

EMERGENCY: Town Hall's computer server is 6 years old, the service contract coverage cannot be renewed and the server is experiencing errors in backups and having speed issues. This money will replace and upgrade the new server and related networking equipment.

TOWN ACCOUNTANT

Finance Committee Recommendations at Town Meeting

ARTICLE 6

To see if the Town will vote to amend Article 13 of the 2007 Annual Town Meeting to read "To see if the Town will vote to authorize the Board of Health, which has custody and declared the property surplus, to transfer to the Selectmen, who will offer for sale **or lease** through sealed bid, the property located at the corner of VFW Drive and Pleasant Street, formerly used as the Town of Rockland sanitary landfill, or take any other action relative thereto.

EMERGENCY: The Town is under a DEP mandate to remediate issues associated with this landfill. Selling or issuing a long term lease for commercial use of the property may help to decrease or eliminate the Town's liability for closure. The Town has been approached by a party expressing interest in the property, and, given the potential exposure for remediation, along with the lack of funding for such a project, it is critical that the Town move forward.

BOARD OF HEALTH

Finance Committee Recommendations at Town Meeting

ARTICLE 7.

To see if the town will vote to approve the Tax Increment Financing Plan and Agreement for a major expansion of a manufacturing facility of Air Xchange Incorporated on at a site located 85 Longwater Drive, Rockland, Massachusetts, located on a parcel of land shown as Lot 15 on “Plan of Land off Longwater Drive, Rockland, March 20, 1974, Loring H. Jacobs and Associates, Inc.” and recorded in the Plymouth County Registry of Deeds in Book 4169, Page 587. (Part of Assessors Map 5, Block 12, Lot 0-R as part of a Tax Increment Financing Zone which presents exceptional opportunities for increased economic development. Said Agreement shall be considered in return for the expansion of said business in the Town and a subsequent increase in the assessed value of the property based on improvements of said property by said business. Said Agreement will provide for an exemption of property taxes or a percentage thereof based on said growth increment in assessed valuation of the property according to the requirements of M.G.L. Chapter 23A, §3E; Chapter 40, §59, and Chapter 59, §5, Clause 51; pursuant to the provisions of 751 CMR 11.04 (1)(b) and 402 CMR 2.18. A copy of said Agreement is on file with the Town Clerk, or take any other action relative thereto.

EMERGENCY – The owner of this firm is attempting to obtain state and federal tax subsidies for a major expansion of his business. In order to be eligible for these subsidies, there must be participation by the Town in the form of a Tax Increment Financing Plan, or discount in property taxes assessed for the enhanced value of the property. This financing opportunity may not be available in six months when Annual Town Meeting is convened.

BOARD OF SELECTMEN

Finance Committee Recommendations at Town Meeting

ARTICLE 8.

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the School Building Committee for the renovation of Rockland High School, 52 MacKinlay Way, Rockland Massachusetts, and the construction of a new John W. Rogers Middle School, 100 Taunton Avenue, which school facilities shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) sixty four and twenty six one hundredths of one percent (64.26%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount as determined by the MSBA. Or take any other action relative thereto.

EMERGENCY – This project involves major renovation of Rockland High School and

construction of a new John W. Rogers Middle School. The project is intended to be out to bid within two months, with a construction schedule intended to allow re-opening in Fall, 2012. Delay of a vote for this project would adversely impact the construction schedule. The Town also seeks to take advantage of the current favorable bidding climate in order to keep the cost of the project as low as possible.

SCHOOL BUILDING COMMITTEE

Finance Committee Recommendations at Town Meeting

ARTICLE 9. Will the Town vote to accept the provisions of Chapter 39: Section 23D of the Massachusetts General Laws:

Chapter 39: Section 23D. Adjudicatory hearings; attendance by municipal board, committee and commission members; voting disqualification

Section 23D. (a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section.

Or take any other action relative thereto

EMERGENCY – Under the current law, no member of municipal board may participate in the decision making process if they miss even a portion of an evidentiary hearing. This requirement has led to difficulty maintaining a legal quorum, and in at least one case, contributed to litigation against the Town. This statute will minimize the risk that our legal obligations are not met due to the lack of a quorum for a given board.

BOARD OF SELECTMEN

Finance Committee Recommendations at Town Meeting

And you are directed to serve this warrant by posting copies at least seven (7) days prior to said meeting in each of the six precincts in said Town.

Hereof, fail not, and make return of this Warrant, with your doings thereon, on the Town Clerk, at the time and place of holding said meeting.

Given under our hand this 20th day of October, in the year of Our Lord, Two Thousand Nine and the Independence of the United States of America, the Two Hundred Thirty Three.

BOARD OF SELECTMEN

James F. Simpson, Chairman

Lawrence J. Chaffee, Vice-Chairman

Michael E. Zupkofska, Selectmen

Michael P. Johnson, Selectmen

Deborah A. O'Brien, Selectmen

RETURN OF SERVICE

This is to certify that I have this third day of November 2009, posted this warrant in each of the six precincts in the Town of Rockland.

ATTEST:

CONSTABLE

Precinct 1	T.K.O. Shea's	932 Hingham Street
Precinct 2	Sullivan Tire	1 VFW Drive
Precinct 3	Town Hall (Rockland Town Offices)	242 Union Street
	Rockland Public Library	20 Belmont Street
	Rockland Senior Center	344 Union Street
	Rockland Post Office	39 Webster Street
Precinct 4	Robbins Furniture	217 Centre Avenue
Precinct 5	Rite-Aid Pharmacy	201 Market Street
Precinct 6	Rockland Housing Authority	8 Studley Court